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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

December 7, 1998

Magalie Roman Salas, Esq.
Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554

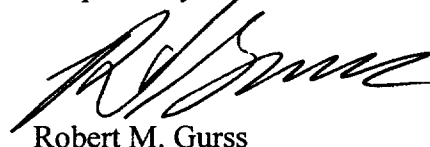
RE: WT Docket 96-86

Dear Ms. Salas:

On December 2, 1998, the National Public Safety Telecommunications Council (NPSTC) filed a petition for reconsideration in WT Docket 96-86, utilizing the Commission's Electronic Comment Filing System (ECFS) (see attached acknowledgment of receipt of comments). However, review of the ECFS indicates that, while the NPSTC Petition is listed, nothing appears to be contained in the file. Therefore, NPSTC has requested that I submit a paper copy of the document as originally filed through the ECFS.

Should you have any questions regarding this matter, please contact Marilyn Ward at (407) 246-2446 or Robert Schlieman at (518) 457-9478.

Respectfully submitted,



Robert M. Gurss

cc: Marilyn Ward
Robert Schlieman

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Federal Communications Commission

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The FCC Acknowledges Receipt of Comments From
National Public Safety Telecommunications Council
...and Thank You for Your Comments

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Your Confirmation Number is: '1998122380482' of 1		
Date Received: Dec 2 1998		
Docket: 96-86		
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PETITION FOR RECONSIDERATION AND CLARIFICATION	Microsoft Word	60929

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updated 03/25/98

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
The Development of Operational,)	
Technical and Spectrum Requirements)	WT Docket 96-86
For Meeting Federal, State and Local)	
Public Safety Agency Communication)	
Requirements Through the Year 2010)	
)	
Establishment of Rules and Requirements)	
For Priority Access Service)	

PETITION FOR RECONSIDERATION AND CLARIFICATION
of the
FIRST REPORT AND ORDER
FCC 98-191

From the
NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL

National Public Safety Telecommunications Council
2050 East Iliff Avenue
Denver, Colorado 80208
(800) 416-8086
December 2, 1998

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
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The Development of Operational,)	
Technical and Spectrum Requirements)	WT Docket 96-86
For Meeting Federal, State and Local)	
Public Safety Agency Communication)	
Requirements Through the Year 2010)	
)	
Establishment of Rules and Requirements)	
For Priority Access Service)	

To: The Commission

**PETITION FOR RECONSIDERATION AND CLARIFICATION
NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

1. INTRODUCTION

The National Public Safety Telecommunications Council, herein referred to as NPSTC, submits the following petition for reconsideration to the Federal Communications Commission (FCC or Commission) regarding the first report and order (FCC 98-191).

The National Public Safety Telecommunications Council (NPSTC) is a federation of associations representing Public Safety telecommunications. NPSTC currently consists of the following charter organizations:

- American Association of State Highway Transportation Officials (AASHTO)
- Association of Public-Safety Communications Officials -International (APCO)
- Forestry Conservation Communications Association (FCCA)
- International Association of Chiefs of Police (IACP)
- International Association of Fire Chiefs (IAFC)
- International Association of Fish and Wildlife Agencies (IAFWA)
- International Municipal Signal Association (IMSA)
- National Association of State Emergency Medical Services Directors (NASEMSD)
- National Association of State Foresters (NASF)
- National Association of State Telecommunications Directors (NASTD)
- National Coordinating Council for Emergency Management (NCCEM)
- U.S. Federal Emergency Management Agency (FEMA)

NPSTC was created to encourage and facilitate implementation of the findings and recommendations of the Public Safety Wireless Advisory Committee (PSWAC) - a federal advisory committee jointly established to advise the Federal Communications Commission (Commission) and the National Telecommunications and Information Administration (NTIA). Specifically, the NPSTC charter directs that NPSTC shall develop and make recommendations to appropriate governmental bodies regarding Public Safety communications issues; shall serve as a standing forum for the exchange of ideas and information regarding Public Safety communications; shall develop recommendations regarding Public Safety communications policies that promote greater interoperability and cooperation between federal, state and local Public Safety agencies; shall identify and promote methods for funding development of Public Safety communications systems; shall sponsor and conduct studies of Public Safety communications and; shall perform such other functions as the Governing Board deems appropriate, consistent with relevant law. Pursuant to the mandate of its charter, NPSTC is pleased to submit these comments in this proceeding.

II. INTEROPERABILITY CHANNEL SPACINGS

NPSTC asks that the FCC reconsider its narrowband plan to the extent that interoperability channel groups (2 - 6.25 kHz channels) allocated in the narrowband channel plan be located 125 kHz from the edge and spaced 250 kHz apart. For example, the interoperability channels should be in a sequence as: Channel 19/20, 59/60, 99/100, 139/140, 179/180, 219/220, etc. NPSTC requests this reconsideration of our original proposal so as to permit fixed station infrastructure based interoperability channels to operate through a common antenna system where 250 kHz spacing represents the closest efficient use of transmitter combiners.

While the Commission's wideband plan generally spaces the interoperability channel groups (3 - 50 kHz channels) apart from each other, thereby facilitating common antenna systems, it is noted that two of the 150 kHz wideband interoperability groups are immediately adjacent to each other at mid-band. This should be corrected for similar reasons to those cited above for the narrowband interoperability channels.

III. RESERVE SPECTRUM FLEXIBILITY

In NPSTC and Motorola's original filings, the reserved spectrum (channels not initially assigned) was located between the narrow band and the wideband channel segments so that the dividing line between those band segments could be adjusted to meet local and regional needs. The Commission, however, moved the reserve spectrum from the area where narrowband and wideband plans come together to mid-band locations distributed throughout the narrowband and wideband plans. This precludes the opportunity to allow regional planning committees the ability to adjust the dividing line between narrowband and wideband plans. It has come to our attention that in some Metro areas¹ there will be greater need for wideband channels than is allocated in the Commission's current wideband plan. However, this is not necessarily the case in other parts of the country. The original filings by both NPSTC and Motorola placed the reserve spectrum in segments that would allow the regional planning committees flexibility in their assignments of these channels thereby allowing for regional variations in the distribution of narrow and wideband channels. Therefore, NPSTC recommends that the reserve spectrum be placed back in the area between the narrowband and wideband plans so that it can be available to the Regional Planning Committees according to local need.

IV. NON-GOVERNMENTAL ORGANIZATION LICENSING

NPSTC asks that the commission reconsider allowing a non-governmental organization (NGO) to hold its own license. NPSTC recommends that the NGO operate under the license of the governmental entity for which they provide services. NPSTC is concerned that the requirement to notify the Commission and Regional Planning Committees when contracts expire and the NGO is no longer eligible to use or must modify the parameters of its public safety license creates a process that is awkward, time consuming and that could easily be overlooked. In addition, this creates an ongoing administrative burden upon unfunded volunteer Regional Planning Committees.

¹ Subsequent to release of the R&O, RPCs representing several large metropolitan areas have already met informally to discuss potential system implementations in the 700 MHz band. Their largest spectrum requests by far are from agencies interested in building high-speed data networks using wideband channels.

NPSTC recommends that the Commission consider replacing the procedure with respect to NGO licensing as follows:

If the NGO provides any commercial services in addition to any services to governmental entities, the NGO must have a communications system sufficient to support its commercial services. However, the NGO may use the communications system of the governmental entity under the governmental license, if the governmental entity provides the type of communications required. If not, then the NGO may construct a system on Public Safety frequencies under a license held by the governmental entity for use in accordance with its governmental contract.

If the Commission elects not to accept this recommendation, NPSTC members request that the Commission consider the following issues:

- If an NGO holds a license in its name, at renewal time the NGO must re-certify its eligibility for the system coverage as licensed.
- The Commission expects Regional Planning Committees to not only establish plans for the use of spectrum, but also to monitor the use of the spectrum in accordance with those plans. In order to be aware of Commission actions and notices addressed to licensees within the regional plan area, the Commission must submit copies of that correspondence to the Regional Planning Committee.
- If an NGO loses a contract resulting in a change of their service area, who is responsible to ensure that their system coverage/design and license parameters are modified accordingly? Does the Commission expect the Regional Planning Committee to review and approve each NGO system design for necessary and appropriate coverage?

V. NATIONAL COORDINATION COMMITTEE

NPSTC would like clarification of the composition and responsibilities of the NCC. There is also a concern among NPSTC members that participation in the NCC, if not funded, will be severely limited due to budgetary constraints placed upon potential participants. In as much as the same people have continued to participate in the advisory committee process, the NCC will not benefit from a diverse membership from all public safety radio services.

In addition, NPSTC has several other concerns regarding the NCC:

- How will appointments be made: by region, agency, association or discipline?
- Will all Public Safety Radio Services be represented and how will that be accomplished?
- With respect to membership on the NCC, what will be the number of terms and duration of a member's term of appointment?
- If the NCC will be selecting standards, to what degree will the manufacturers be involved?
- When will the NCC be chartered, and is the time and approval process reflected in the schedule for completion of their tasks?

VI. REGIONAL PLANNING

In Paragraph 89, the Commission defines how a default plan will be established in the event that an RPC disbands or otherwise fails to develop a Commission approved plan. NPSTC believes that the NCC should have the primary responsibility for developing a generic plan to be used in such an instance. The NCC must define a standard methodology by which regions perform planning and forward license applications to the coordinators for processing. That methodology must incorporate standardized engineering practices, including TIA TSB88, in the regional planning process. Finally, both RPCs and frequency coordinators must ensure that licensees are adequately protected from harmful interference.

VII. REQUIRED 6.25 kHz DIGITAL STANDARD

NPSTC is unanimous in objecting to the Commission's decisions regarding a 6.25 kHz digital standard for Interoperability channels. The Commission has mandated that the 700 MHz band will be a digital band and that all radio equipment must be capable of operating on all of the narrowband Interoperability channels. However, the Commission has deferred any action on a digital interoperability equipment standard, with the result that there will not be a standard for four years and no equipment is likely to be available for at least six years. This will cause an unacceptable delay in use of the 700 MHz band. The Commission must reconsider its ruling.²

² Various NPSTC members will be filing separate petitions addressing their preferred solutions to this problem.

VIII. IMMEDIATE SPECTRUM RELIEF IS REQUIRED

The Commission has allowed aggregation of 6.25 kHz channels to permit operation on 12.5 kHz and 25 kHz channels. Inasmuch as the FCC has acknowledged that there is no analog FM equipment available for 6.25 kHz, the FCC is creating an undue delay in the development of equipment required for implementation of systems in this spectrum by requiring that a new standard be developed by a new body that has not yet been chartered, much less certified as a Standard Developing Organization (SDO) by ANSI.³

NPSTC is concerned about the time needed to create an NCC, become ANSI certified and then develop a new standard in the 700 MHz band. NPSTC understands that there will be a period of up to two years from formation of the NCC until it is certified as an SDO by ANSI; during this time no standards development can take place. After SDO certification, there will be a significant period of time required for standards development and ANSI-certification, especially if the NCC begins such development with a clean slate. Once standards are in place the major digital equipment manufacturers have informed us that they will require as much as two additional years to field equipment. NPSTC thus believes that the four years allocated by the FCC to develop a 6.25 kHz standard is clearly insufficient. This critical spectrum must be available as soon as possible to those agencies needing relief from channel congestion. Clearly the urgency placed on this allocation by the Congress supports our position. There will be an intolerable delay if a new standard must be developed. This delay will deny the use of this spectrum to those agencies planning to construct large systems; additionally, it further results in a failure to provide relief to other agencies through the use of "give-up" frequencies in other bands. Therefore, NPSTC recommends that the FCC consider alternatives that will permit more immediate access to this spectrum.

IX. LIMITED USE OF 12.5 kHz ANALOG IS REQUIRED

NPSTC asks the Commission to reconsider the use of 12.5 kHz analog technology for a period of 5-10 years. Analog technology is required for immediate expansion of current 800 MHz public

³ In equipment discussions with the major digital equipment manufacturers, NPSTC was generally told that, should the FCC continue to require such certification for the interoperability channels and all subscriber equipment to be capable of digital operation on all narrowband interoperability channels, little, if any, development would take place in this band until the new digital interoperability standard was ANSI-certified.

safety systems. In addition, many small agencies will be unable to upgrade to digital equipment due to the added financial burden currently required for digital equipment; this burden will exist until the cost differential between platforms disappears. The Commission must therefore identify a limited number of general use and interoperability channels, to be used for these applications.

In an attempt to reconcile these concerns about immediate access to the 700 MHz band, the following revisions are recommended:

1. Upon completion of regional plans, allow immediate access to a limited number of channels in the 700 MHz band (in those areas not restricted due to the need to protect TV broadcast stations), using 12.5 kHz analog systems. Such allotment of analog channels must be incorporated in the Regional Plan and coordinated with adjacent regions through the NCC, and;
2. Require 6.25 kHz channeling and digital modulation, providing at least the FCC required spectrum efficiency for all new systems commencing two years following ANSI approval of the 6.25 kHz digital interoperability standard, and;
3. Require users in category (1) above (i.e., those putting in analog systems immediately) to conform to the 6.25 kHz ANSI digital standard, or the FCC required spectrum efficiency, within eight years following ANSI approval of such standard.⁴
4. During that same interval in (3) above, the FCC must drop the requirement for every radio to “be capable” of operating on every narrowband interoperability channel for those putting in analog systems pursuant to category (1) above.

This methodology provides convergence and incentive to move to 6.25 kHz digital systems, along with the opportunity for early implementation by those needing immediate spectrum relief. Finally, while providing this immediate and limited relief, it prevents legacy analog systems from occupying this band for decades.

⁴ The Commission should announce by Public Notice any approved ANSI standards related to the timeframes above that may impact the public safety community.

X. CONCLUSION

For the reasons set forth above, NPSTC requests that the Commission reconsider and clarify, its Report and Order in the manner described herein

Respectfully submitted,

Marilyn B. Ward

Marilyn B. Ward
Interim Chairperson
National Public Safety Telecommunications Council

December 2, 1998